

REDACTED

State Air Directors Meeting
October 29, 2014
Chattanooga, TN

Beverly Spagg
EPA Region 4



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EPA's New HPV Policy

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October 2014 State Director's Meeting

Chattanooga, TN

The HPV Policy - Background

- New Policy issued August 25, 2014
- Supersedes the 1998 HPV policy
- Streamlines criteria for defining an HPV
- Prioritizes certain violations for higher scrutiny and oversight:
 - ❑ Violations likely to result in significant risk to human health or the environment
 - ❑ Violations that may harm ability to implement CAA programs
- Significant reduction in universe of HPVs
- Dovetails with transition to ICIS-Air

Significant Changes in 2014 Policy

- General Criteria streamlined from 10 to 6
- Matrix Criteria eliminated
- Discretionary criterion memorialized
- Minimum frequency for consultation reduced to quarterly
- Revised timelines
- Provides “off-ramp” for those violations that no longer warrant HPV tracking & oversight

HPV Definition - Revised Criteria

Criterion 1 – Failure to obtain a NSR permit and/or install BACT/LAER for new major source or modification

- Includes SM w/ actual or expected exceedance of threshold

Criterion 2 – Violation of any federally enforceable emission limit, standard, or parameter under Title I, Parts C or D continuing for at least 7 days

Criterion 3 – Violation of NSPS (Part 60) emission limit, standard or parameter continuing for at least 7 days

HPV Definition - Revised Criteria

Criterion 4 – Violation of NESHAP (Parts 61 & 63) emission limit, standard or parameter continuing for at least 7 days

Criterion 5 – Violations involving work practices, testing, monitoring, record-keeping or reporting that interferes with enforcement or determination of compliance

Criterion 6 – Any other violations identified by AED or mutually agreed upon between State/Local and Region

New HPV Timelines



Off-Ramp

- Delegated Agency may determine violation is no longer appropriate for oversight as HPV
 - Unlikely that gov't will prevail on the claim
 - HPV does not involve on-going violations or threat to public
- Case-specific consultation required with agreement by both Delegated Agency & Region
- Documentation in file required

Questions?

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